

Notice of Allowability

Application No.

10/025,222

Examiner

David J. Steadman

Applicant(s)

PELLETIER ET AL.

Art Unit

1656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on 1/12/07.
2. ☒ The allowed claim(s) is/are 66,88,91,105,106,109-111,113,115 and 117-119.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

David J. Steadman, Ph.D.
Primary Examiner
Art Unit: 1656

DETAILED ACTION

Status of the Application

[1] Following the examiner's amendment set forth below, claims 66, 88, 91, 105-106, 109-111, 113, 115, and 117-119 are pending in the application.

[2] Applicant's arguments filed on 12/22/06 in response to the Office action mailed on 10/23/06 have been fully considered and the objections previously applied are withdrawn.

Examiner's Amendment to the Specification

[3] An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

[4] The application has been amended as follows: Please enter the sequence listing filed on 7/24/02 into the specification of this application.

Examiner's Amendment to the Claims

[5] An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Art Unit: 1656

Authorization for this examiner's amendment was given in a telephone interview with Mr. Drew Hissong on 3/1/07.

[6] The application has been amended as follows:

[7] Cancel claims 112, 114, 116, and 120.

[8] In claim 106, lines 1-2, delete ---*Staphylococcus aureus* DnaG primase set forth in---

[9] Replace claim 115 with the following re-written claim:

115. The method of claim 111, wherein detection of said binding is performed by a technique selected from the group consisting of phage display, surface plasmon resonance, time-resolved fluorescence resonance energy transfer, fluorescence polarization, scintillation proximity assay, and biosensor assay.

Reasons for Allowance

[10] The following is an Examiner's statement of reasons for allowance. The claims are drawn to SEQ ID NO:2, isolated from *Staphylococcus aureus*, and variants and fragments thereof as encompassed by the claims. According to the specification, the polypeptide has DnaG primase (also known as RNA primase) activity, which is disclosed beginning at p. 86 of the specification. While *Staphylococcus aureus* DnaG primase polypeptides were known in the art at the time of the invention (see, e.g., WO 99/37661 as cited in the Office action mailed on 3/24/06), the examiner has found no teaching or suggestion in the prior art directed to SEQ ID NO:2 or variants and

Art Unit: 1656

fragments thereof as encompassed by the claims. Therefore, the claimed invention is allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Steadman whose telephone number is 571-272-0942. The examiner can normally be reached on Monday to Friday, 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Kerr Bragdon can be reached on 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David J. Steadman, Ph.D.
Primary Examiner
Art Unit 1656